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 Attorneys for Defendants  
 COUNTY OF ALAMEDA  
 and MAYA YNOSTROZA

ORIGINAL  
 FILED  
 08 AUG 22 AM 10:50  
 RICHARD W. WIEKING  
 CLERK, U.S. DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

E-filing

WDB

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

RYAN QUINN and ROXANA  
 PANGELINAN,

Plaintiffs,

vs.

COUNTY OF ALAMEDA, MAYA  
 YNOSTROZA, and DOES 1 through 150,

Defendant

Case No.

CV 08

4018

NOTICE OF REMOVAL OF ALAMEDA  
 COUNTY SUPERIOR COURT ACTION NO.  
 RGO8400030 UNDER 28 U.S.C. § 1441(b)  
 [Federal Question]

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE that defendants COUNTY OF ALAMEDA and MAYA  
 YNOSTROZA hereby remove to this Court the State Court action described below, and in  
 support thereof respectfully allege as follows:

1. **The Action.** On July 24, 2008, Action No. RGO8400030 was filed in the  
 Superior Court of the State of California, in and for the County of Alameda, entitled *Ryan Quinn*  
*and Roxana Pangelinan v. County of Alameda, Maya Aynostroza and DOES 1 through 150.* A

1 true and correct copy of plaintiffs' complaint is attached hereto as Exhibit A.

2 Defendant COUNTY OF ALAMEDA was served with said summons and complaint on  
3 July 25, 2008. Defendant and MAYA YNOSTROZA was served with the summons and  
4 complaint on August 18, 2008. Defendants are unaware of any other defendants that have been  
5 served with the summons and complaint.  
6

7 2. **Statutory Grounds for Removal.** This action is a civil action of which the  
8 court has original jurisdiction under 28 U.S.C. § 1331 (federal question jurisdiction), and is one  
9 which may be removed to this Court by defendant pursuant to 28 U.S.C. § 1441(b). Specifically,  
10 the Third Cause of Action in Paragraph Nine of plaintiffs' state court complaint alleges that  
11 plaintiffs' civil rights were violated and that the conduct of defendants constituted "an  
12 interference with the exercise and enjoyment of their rights as secured by the Constitution and  
13 Laws of the United States and by the Constitution and the Laws of the State of California."  
14

15 3. **Venue.** The United States District Court for the Northern District of California is  
16 the federal district embracing the Superior Court of the State of California, County of Alameda,  
17 where the suit was originally filed. Venue is therefore proper under 28 U.S.C. § 1441(a) and  
18 related law.  
19

20 4. **Timeliness of Removal.** Pursuant to 28 U.S.C. § 1446(b), "notice of removal of  
21 a civil action or proceeding shall be filed within thirty days after receipt by defendant...of a copy  
22 of the initial pleading setting forth the claim for relief upon which such action or proceeding is  
23 based..." This Notice of Removal is timely because defendants COUNTY OF ALAMEDA and  
24 MAYA YNOSTROZA were served with plaintiffs' complaint on July 25, 2008 and August 18,  
25 2008, respectively, and the instant Notice of Removal is being filed within thirty days of said  
26 service.  
27  
28

1  
2       **5. Notice of Removal.** Pursuant to 28 U.S.C. § 1446(d), the undersigned counsel  
3 hereby certifies that a true and correct copy of the Notice of Removal to Adverse Parties and  
4 State Clerk will be promptly filed with the Clerk of the Superior Court of the State of California,  
5 County of Alameda, and served upon all adverse parties.  
6

7       **6. Joinder of All Defendants.** As evidenced by the signature of their counsel,  
8 below, all served defendants hereby join in this Notice of Removal. Doe defendants do not need  
9 to be joined in this Notice of Removal. See *Fristoe v. Reynolds Metals Co.*, 615 F.2d 1209, 1213  
10 (9<sup>th</sup> Cir. 1980).  
11

12       WHEREFORE, defendant prays that this action be removed to this Court.

13  
14 Dated: August 22, 2008

BERTRAND, FOX & ELLIOT

15  
16 By: 

17 Thomas F. Bertrand  
18 Michael C. Wenzel  
19 Attorneys for Defendants  
20 COUNTY OF ALAMEDA and MAYA  
21 YNOSTROZA  
22  
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28

## **EXHIBIT A**

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# SUMMONS (CITACION JUDICIAL)

**NOTICE TO DEFENDANT:  
(AVISO AL DEMANDADO):**

COUNTY OF ALAMEDA, MAYA YNOSTROZA and Does 1-150

**YOU ARE BEING SUED BY PLAINTIFF:  
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**  
RYAN QUINN and ROXANA PANGELINAN

**FILED  
ALAMEDA COUNTY**

**JUL 24 2008**

CLERK OF THE SUPERIOR COURT

By Molly Kautz Deputy

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association.

*Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.courtinfo.ca.gov/selfhelp/espanol/](http://www.courtinfo.ca.gov/selfhelp/espanol/)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.*

*Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.courtinfo.ca.gov/selfhelp/espanol/](http://www.courtinfo.ca.gov/selfhelp/espanol/)) o poniéndose en contacto con la corte o el colegio de abogados locales.*

The name and address of the court is:

(El nombre y dirección de la corte es):

Rene C. Davidson Alameda County Courthouse  
1225 Fallon St.  
Oakland, California 94612

CASE NUMBER **RC08400030**  
(Número del Caso):

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Brian McCarthy Attorney at Law, SB# 54081  
7027 Dublin Blvd. Dublin, CA. 94568 (925) 829-6500

DATE: **JUL 24 2008**  
(Fecha)

**Pat S. Sweeten**

Clerk, by Molly Kautz  
(Secretario)

Deputy  
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

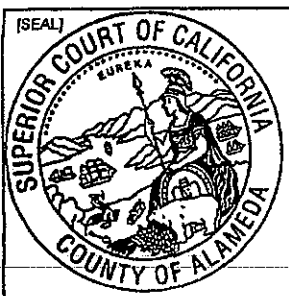
**NOTICE TO THE PERSON SERVED: You are served**

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):

3. ☐ on behalf of (specify):

- |  |   |
|--|---|
| under: <input type="checkbox"/> CCP 416.10 (corporation)         | <input type="checkbox"/> CCP 416.60 (minor)             |
| <input type="checkbox"/> CCP 416.20 (defunct corporation)        | <input type="checkbox"/> CCP 416.70 (conservatee)       |
| <input type="checkbox"/> CCP 416.40 (association or partnership) | <input type="checkbox"/> CCP 416.90 (authorized person) |
| <input type="checkbox"/> other (specify):                        |   |

4. ☐ by personal delivery on (date):





Brian McCarthy Attorney at Law SB# 54081  
7027 Dublin Blvd  
Dublin, California 94568  
Telephone (925) 829-6500  
Facsimile (925) 829-7812

Attorney for Plaintiffs,  
RYAN QUINN and ROXANA PANGELINAN

**FILED**  
**ALAMEDA COUNTY**

**JUL 24 2008**

CLERK OF THE SUPERIOR COURT  
By Molly Bandy Deputy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF ALAMEDA**

RYAN QUINN and ROXANA  
PANGELINAN

) Case No.: **R008400030**

**COMPLAINT FOR DAMAGES**

Plaintiffs,

vs.

COUNTY of ALAMEDA, MAYA  
YNOSTROZA AND DOES 1-150  
Defendants

**SUMMONS ISSUED**

1. The true names and capacities, whether individual, corporate or otherwise, of Defendants sued herein as DOES 1-150, inclusive, are unknown to Plaintiffs who sues them by such fictitious names. Plaintiffs pray leave to amend this Complaint to include the true names and capacities of such Defendants when the same are ascertained or upon proof thereof. Plaintiffs are informed and believe, and thereon allege that each of the Defendants designated as a DOE is responsible in some manner for the events alleged herein and are liable to Plaintiffs for the injuries and damages herein alleged.

2. At all times herein mentioned, Defendant COUNTY of ALAMEDA ("COUNTY") was a public entity organized and existing under the laws of the State of California, and Defendant MAYA YNOSTROZA ("MAYA") was a Deputy District Attorney employed by COUNTY and acting as its agent.

3

4. On or about December 31, 2007, COUNTY, by and through its agents and employees MAYA and Does 1-50, caused RYAN to be falsely arrested and falsely imprisoned by having law officers arrest RYAN at his residence, in plain view of his wife, child and neighbors and by incarcerating him in detention facilities, including one or more county jails, for a period of approximately 6 days. RYAN was never charged with any offense, arraigned or given a hearing regarding his arrest and incarceration.

5. As a direct legal result of the conduct of Defendants, and each of them, RYAN was injured in his health, strength and activity and suffered severe pain, suffering, emotional distress, humiliation, and embarrassment, all to his general damages in an amount in excess of the minimum jurisdictional limits of this court.

**WHEREFORE, Plaintiffs pray for judgment as hereinafter set forth.**

## SECOND CAUSE OF ACTION

6. Plaintiffs hereby refer to and incorporate herein, as if fully set forth at length, all material allegations contained in Paragraphs 1 through 5 , above.

7. As a further direct, legal result of the negligence and other tortious conduct of Defendants, and each of them, ROXANA suffered a disruption of her marital relations and her life in general, suffering severe emotional distress and mental pain and suffering and sustained general damages for loss of consortium.

**WHEREFORE, Plaintiffs pray for judgment as hereinafter set forth.**



THIRD CAUSE OF ACTION

8. Plaintiffs hereby refer to and incorporate herein, as if fully set forth at length, all material allegations contained in Paragraphs 1 through 7, above.

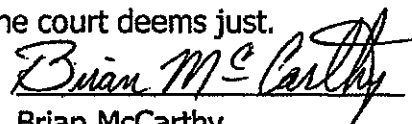
9. The conduct of Defendants, and each of them, as hereinabove alleged, constituted a violation of the civil rights of RYAN and ROXANA and an interference with the exercise and enjoyment of their rights as secured by the Constitution and Laws of the United States and by the Constitution and Laws of the State of California.

10. By virtue of said conduct of Defendants and each of them, RYAN and ROXANA are entitled to treble their actual damages, a civil penalty in the amount of \$25,000.00 per defendant and reasonable attorneys pursuant to California Civil Code Sections 52 and 52.1.

WHEREFORE, Plaintiffs pray for damages against defendants and each of them as follows:

1. For general damages according to proof;
2. For treble Plaintiffs' actual damages;
3. For civil penalty against each defendant in the amount of \$25,000.00;
4. For costs of suit incurred herein, and
5. For such other and further relief as the court deems just.

DATED: JULY 24, 2008

  
Brian McCarthy  
Attorney for Plaintiffs  
RYAN QUINN and ROXANA  
PANGELINAN





|  |  |  |
|--|--|--|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):<br><b>Brian McCarthy SB # 54081</b><br>Attorney at Law<br>7027 Dublin Blvd.<br>Dublin, California, 94568<br>TELEPHONE NO.: (925) 829-6500 FAX NO.: (925) 829-7812<br>ATTORNEY FOR (Name): <b>Plaintiffs RYAN QUINN and ROXANA PANGELINAN</b> |  | FOR COURT USE ONLY<br><br><b>FILED</b><br><b>ALAMEDA COUNTY</b><br><br><b>JUL 24 2008</b><br><br>CLERK OF THE SUPERIOR COURT<br>By <u>Molly Kandy</u> Deputy |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF <b>Alameda</b><br>STREET ADDRESS: <b>1225 Fallon St.</b><br>MAILING ADDRESS:<br>CITY AND ZIP CODE: <b>Oakland, CA. 94612</b><br>BRANCH NAME: <b>Rene C. Davidson Alameda County Courthouse</b>   |  |  |
| CASE NAME:<br><b>QUINN v. COUNTY OF ALAMEDA, et. al.</b>   |  |  |
| <b>CIVIL CASE COVER SHEET</b><br><input checked="" type="checkbox"/> <b>Unlimited</b><br>(Amount<br>demanded<br>exceeds \$25,000)  | <input type="checkbox"/> <b>Limited</b><br>(Amount<br>demanded is<br>\$25,000 or less) |  |
| <b>Complex Case Designation</b><br><input type="checkbox"/> <b>Counter</b> <input type="checkbox"/> <b>Joinder</b><br>Filed with first appearance by defendant<br>(Cal. Rules of Court, rule 3.402)  |  | CASE NUMBER:<br><b>RG08400080</b><br><br>JUDGE:<br><br>DEPT:   |

Items 1-6 below must be completed (see instructions on page 2).

|   |  |   |
|---|--|---|
| 1. Check one box below for the case type that best describes this case:   |  |   |
| <b>Auto Tort</b><br><input type="checkbox"/> Auto (22)<br><input type="checkbox"/> Uninsured motorist (46)<br><b>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</b><br><input type="checkbox"/> Asbestos (04)<br><input type="checkbox"/> Product liability (24)<br><input type="checkbox"/> Medical malpractice (45)<br><input checked="" type="checkbox"/> Other PI/PD/WD (23)<br><b>Non-PI/PD/WD (Other) Tort</b><br><input type="checkbox"/> Business tort/unfair business practice (07)<br><input type="checkbox"/> Civil rights (08)<br><input type="checkbox"/> Defamation (13)<br><input type="checkbox"/> Fraud (16)<br><input type="checkbox"/> Intellectual property (19)<br><input type="checkbox"/> Professional negligence (25)<br><input type="checkbox"/> Other non-PI/PD/WD tort (35)<br><b>Employment</b><br><input type="checkbox"/> Wrongful termination (36)<br><input type="checkbox"/> Other employment (15) | <b>Contract</b><br><input type="checkbox"/> Breach of contract/warranty (06)<br><input type="checkbox"/> Rule 3.740 collections (09)<br><input type="checkbox"/> Other collections (09)<br><input type="checkbox"/> Insurance coverage (18)<br><input type="checkbox"/> Other contract (37)<br><b>Real Property</b><br><input type="checkbox"/> Eminent domain/inverse condemnation (14)<br><input type="checkbox"/> Wrongful eviction (33)<br><input type="checkbox"/> Other real property (26)<br><b>Unlawful Detainer</b><br><input type="checkbox"/> Commercial (31)<br><input type="checkbox"/> Residential (32)<br><input type="checkbox"/> Drugs (38)<br><b>Judicial Review</b><br><input type="checkbox"/> Asset forfeiture (05)<br><input type="checkbox"/> Petition re: arbitration award (11)<br><input type="checkbox"/> Writ of mandate (02)<br><input type="checkbox"/> Other judicial review (39) | <b>Provisionally Complex Civil Litigation</b><br>(Cal. Rules of Court, rules 3.400-3.403)<br><input type="checkbox"/> Antitrust/Trade regulation (03)<br><input type="checkbox"/> Construction defect (10)<br><input type="checkbox"/> Mass tort (40)<br><input type="checkbox"/> Securities litigation (28)<br><input type="checkbox"/> Environmental/Toxic tort (30)<br><input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)<br><b>Enforcement of Judgment</b><br><input type="checkbox"/> Enforcement of judgment (20)<br><b>Miscellaneous Civil Complaint</b><br><input type="checkbox"/> RICO (27)<br><input type="checkbox"/> Other complaint (not specified above) (42)<br><b>Miscellaneous Civil Petition</b><br><input type="checkbox"/> Partnership and corporate governance (21)<br><input type="checkbox"/> Other petition (not specified above) (43) |

2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- |  |  |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties   | d. <input type="checkbox"/> Large number of witnesses  |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence   | f. <input type="checkbox"/> Substantial postjudgment judicial supervision  |
3. Remedies sought (check all that apply): a. ☒ monetary b. ☐ nonmonetary; declaratory or injunctive relief c. ☐ punitive
4. Number of causes of action (specify): **Three**
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: July 24, 2008

Brian McCarthy

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

**NOTICE**

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

CM-010

## INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

**To Plaintiffs and Others Filing First Papers.** If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

**To Parties in Rule 3.740 Collections Cases.** A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

**To Parties in Complex Cases.** In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

## CASE TYPES AND EXAMPLES

## Auto Tort

Auto (22)—Personal Injury/Property Damage/Wrongful Death  
Uninsured Motorist (46) (if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)

## Other P/DPD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)  
Asbestos Property Damage  
Asbestos Personal Injury/Wrongful Death  
Product Liability (not asbestos or toxic/environmental) (24)  
Medical Malpractice (45)  
Medical Malpractice—Physicians & Surgeons  
Other Professional Health Care Malpractice  
Other P/DPD/WD (23)  
Premises Liability (e.g., slip and fall)  
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)  
Intentional Infliction of Emotional Distress  
Negligent Infliction of Emotional Distress  
Other P/DPD/WD

## Non-P/DPD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)  
Civil Rights (e.g., discrimination, false arrest) (not civil harassment) (08)  
Defamation (e.g., slander, libel) (13)  
Fraud (16)  
Intellectual Property (19)  
Professional Negligence (25)  
Legal Malpractice  
Other Professional Malpractice (not medical or legal)  
Other Non-P/DPD/WD Tort (35)

## Employment

Wrongful Termination (36)  
Other Employment (15)

## Contract

Breach of Contract/Warranty (06)  
Breach of Rental/Lease  
Contract (not unlawful detainer or wrongful eviction)  
Contract/Warranty Breach—Seller  
Plaintiff (not fraud or negligence)  
Negligent Breach of Contract/Warranty  
Other Breach of Contract/Warranty  
Collections (e.g., money owed, open book accounts) (09)  
Collection Case—Seller Plaintiff  
Other Promissory Note/Collections Case  
Insurance Coverage (not provisionally complex) (18)  
Auto Subrogation  
Other Coverage  
Other Contract (37)  
Contractual Fraud  
Other Contract Dispute

## Real Property

Eminent Domain/Inverse Condemnation (14)  
Wrongful Eviction (33)  
Other Real Property (e.g., quiet title) (26)  
Writ of Possession of Real Property  
Mortgage Foreclosure  
Quiet Title  
Other Real Property (not eminent domain, landlord/tenant, or foreclosure)

## Unlawful Detainer

Commercial (31)  
Residential (32)  
Drugs (38) (if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)

## Judicial Review

Asset Forfeiture (05)  
Petition Re: Arbitration Award (11)  
Writ of Mandate (02)  
Writ—Administrative Mandamus  
Writ—Mandamus on Limited Court Case Matter  
Writ—Other Limited Court Case

Review  
Other Judicial Review (39)  
Review of Health Officer Order  
Notice of Appeal—Labor  
Commissioner Appeals

## Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)  
Construction Defect (10)  
Claims Involving Mass Tort (40)  
Securities Litigation (28)  
Environmental/Toxic Tort (30)  
Insurance Coverage Claims (arising from provisionally complex case type listed above) (41)

## Enforcement of Judgment

Enforcement of Judgment (20)  
Abstract of Judgment (Out of County)  
Confession of Judgment (non-domestic relations)  
Sister State Judgment  
Administrative Agency Award (not unpaid taxes)  
Petition/Certification of Entry of Judgment on Unpaid Taxes  
Other Enforcement of Judgment Case

## Miscellaneous Civil Complaint

RICO (27)  
Other Complaint (not specified above) (42)  
Declaratory Relief Only  
Injunctive Relief Only (non-harassment)  
Mechanics Lien  
Other Commercial Complaint Case (non-tort/non-complex)  
Other Civil Complaint (non-tort/non-complex)

## Miscellaneous Civil Petition

Partnership and Corporate Governance (21)  
Other Petition (not specified above) (43)  
Civil Harassment  
Workplace Violence  
Elder/Dependent Adult Abuse  
Election Contest  
Petition for Name Change  
Petition for Relief From Late Claim

Other Civil Petition

Brian McCarthy, Attorney at Law  
 Attn: McCarthy, Brian  
 7027 Dublin Blvd.  
 Dublin, CA 94568

## Superior Court of California, County of Alameda

QUINN

Plaintiff/Petitioner(s)

VS.

County of Alameda

Defendant/Respondent(s)

(Abbreviated Title)

No. RG08400030

### NOTICE OF CASE MANAGEMENT CONFERENCE AND ORDER Unlimited Jurisdiction

#### TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD.

Notice is given that a Case Management Conference has been scheduled as follows:

|                                    |   |   |
|------------------------------------|---|---|
| Date: 12/08/2008<br>Time: 03:00 PM | Department: 22<br>Location: Administration Building<br>Fourth Floor<br>1221 Oak Street, Oakland CA 94612<br><br>Internet: <a href="http://www.alameda.courts.ca.gov">http://www.alameda.courts.ca.gov</a> | Judge: Jo-Lynne Q. Lee<br>Clerk: Lynette Rushing<br>Clerk telephone: (510) 267-6938<br>E-mail: Dept.22@alameda.courts.ca.gov<br>Fax: (510) 267-1574 |
|------------------------------------|---|---|

#### ORDERS

1. You must:

- a. **Serve** all named defendants and file proofs of service on those defendants with the court within 60 days of the filing of the complaint (CRC 3.110(b));
- b. **Give notice** of this conference to any party not included in this notice and file proof of service;
- c. **Meet and confer**, in person or by telephone, to consider each of the issues identified in CRC 3.724 no later than 30 calendar days before the date set for the Case Management Conference;
- d. **File and serve** a completed Case Management Conference Statement (use of Judicial Council Form CM 110 is mandatory) at least 15 days before the Case Management Conference (CRC 3.725)

2. If you do not follow the orders above, you are hereby ordered to show cause why you should not be sanctioned under CRC 2.30. The hearing on the Order to Show Cause re: Sanctions will be at the same time as the Case Management Conference. Sanctions may include monetary sanctions and any other sanction permitted by law, including striking pleadings or dismissing the action.

3. You are further ordered to appear in person\* (or through your attorney of record) at the Case Management Conference noticed above. You must be thoroughly familiar with the case and fully authorized to proceed.
4. The Direct Calendar Judge will issue orders at the conclusion of the conference that should include:
  - a. Referring to ADR and setting an ADR completion date
  - b. Dismissing or severing claims or parties
  - c. Setting a trial date.

\*Telephonic appearances at Case Management Conferences may be available by contacting CourtCall, an independent vendor, at least 3 business days prior to the scheduled conference. Parties may make arrangements by calling 1-888-882-6878, or faxing a service request to 1-888-882-2946. This service is subject to charges by the vendor.

#### CLERK'S CERTIFICATE OF MAILING

I certify that the following is true and correct: I am the clerk of the above-named court and not a party to this cause. I served this Notice of Hearing by placing copies in envelopes addressed as shown hereon and then by sealing and placing them for collection, stamping or metering with prepaid postage, and mailing on the date stated below, in the United States mail at Alameda County, California, following standard court practices.

Executed on 07/28/2008.

By



digital

Deputy Clerk

***Superior Court of California, County of Alameda***



***Notice of Judicial Assignment for All Purposes***

Case Number: RG08400030  
Case Title: QUINN VS County of Alameda  
Date of Filing: 07/24/2008

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

**This case is hereby assigned for all purposes to:**

|                       |   |
|-----------------------|---|
| <b>Judge:</b>         | <b>Jo-Lynne Q. Lee</b>  |
| <b>Department:</b>    | <b>22</b>   |
| <b>Address:</b>       | <b>Administration Building<br/>1221 Oak Street<br/>Oakland CA 94612</b> |
| <b>Phone Number:</b>  | <b>(510) 267-6938</b>   |
| <b>Fax Number:</b>    | <b>(510) 267-1574</b>   |
| <b>Email Address:</b> | <b>Dept.22@alameda.courts.ca.gov</b>                                    |

Under direct calendaring, this case is assigned to a single judge for all purposes including trial.

**Please note: In this case, any challenge pursuant to Code of Civil Procedure §170.6 must be exercised within the time period provided by law. (See Govt. Code 68616(i); Motion Picture and Television Fund Hosp. v. Superior Court (2001) 88 Cal.App.4th 488, 494; and Code Civ. Proc. §1013.)**

**IT IS THE DUTY OF EACH PLAINTIFF AND CROSS COMPLAINANT TO SERVE A COPY OF THIS NOTICE IN ACCORDANCE WITH LOCAL RULES.**

**General Procedures**

All pleadings and other documents must be filed in the clerk's office at any court location except when the Court permits the lodging of material directly in the assigned department. All documents, with the exception of the original summons and the original civil complaint, shall have clearly typed on the face page of each document, under the case number, the following:

**ASSIGNED FOR ALL PURPOSES TO  
JUDGE Jo-Lynne Q. Lee  
DEPARTMENT 22**

Counsel are expected to know and comply with the Local Rules of this Court, which are available on the Court's website at: <http://www.alameda.courts.ca.gov/courts/rules/index.shtml> and with the California Rules of Court, which are available at [www.courtinfo.ca.gov](http://www.courtinfo.ca.gov).

The parties are always encouraged to consider using various alternatives to litigation, including mediation and arbitration, prior to the Initial Case Management Conference. The Court may refer parties to alternative dispute resolution resources.

(1) Unrepresented litigants must also comply with pertinent rules, cited above. The Court maintains a Self-Help Center at the Wiley W. Manuel Courthouse, 2nd Floor, 661 Washington St., Oakland. Telephone. (510) 690-2501. (2) Counsel are expected to be familiar and comply with the Statement of Professionalism and Civility, Alameda County Bar Association [www.acbanet.org](http://www.acbanet.org) (click on link at the bottom of the home page). (3) Appearances by attorneys who are not counsel of record are not permitted except for good cause. (4) Except when requested in a particular case, chambers copies of filings are not necessary.

Note: THIS REASSIGNMENT IS EFFECTIVE AUGUST 11, 2008.

#### **Schedule for Department 22**

The following scheduling information is subject to change at any time, without notice. Please contact the department at the phone number or email address noted above if you have questions. Contacts with Dept. 22 should be by email with copies to all counsel after conferring about proposed dates.

- Trials generally are held: Mondays through Fridays, 8:30 a.m. to 1:30 p.m. with two morning breaks, unless otherwise advised. A pretrial conference may be scheduled 2 to 3 weeks before trial at 2:00 p.m. on a Friday.
- Case Management Conferences are held: Mondays through Thursdays at 3:00 p.m. Timely filed and complete case management conference statements may obviate the need for in person conferences. Check the Register of Actions on Domain 3 days in advance.
- Law and Motion matters are heard: Wednesdays and Thursdays at 3:00 p.m. (maximum 5 each). Email Dept. 22 to obtain a reservation. Limited hearings are available for summary judgments, preliminary injunctions and other time intensive motions.
- Settlement Conferences are heard: Mondays and Tuesdays at 3:00 p.m. unless otherwise advised.
- Ex Parte matters are heard: Wednesdays and Thursdays at 3:00 p.m. Email Dept. 22 to obtain a reservation on these calendars or to specially set a time sensitive emergency matter.
- (1) Counsel should consider and recommend creative, efficient approaches to valuing and resolving their case (CRC §3.724). (2) Potential discovery and other problems should be anticipated and discussed. (3) No discovery motion shall be filed without prior serious efforts to resolve it. If unsuccessful, Moving party may then email the Court attaching a letter (max 3 pages) outlining the dispute. Opposing party may email a brief response within 24 hours. The Court will advise the parties how the issue will be resolved.



**Law and Motion Procedures**

To obtain a hearing date for a Law and Motion or ex parte matter, parties must contact the department as follows:

- Motion Reservations  
Email: Dept.22@lameda.courts.ca.gov
  
- Ex Parte Matters  
Email: Dept.22@lameda.courts.ca.gov

**Tentative Rulings**

The court will issue tentative rulings in accordance with the Local Rules. Tentative rulings will become the Court's order unless contested in accordance with the Local Rules. Tentative rulings will be available at:

- Website: [www.alameda.courts.ca.gov/domainweb](http://www.alameda.courts.ca.gov/domainweb), Calendar Information for Dept. 22
- Phone: 1-866-223-2244

Dated: 07/25/2008

Executive Officer / Clerk of the Superior Court

By

  
digital

Deputy Clerk

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**CLERK'S CERTIFICATE OF MAILING**

I certify that the following is true and correct: I am the clerk of the above-named court and not a party to this cause. I served this Notice by placing copies in envelopes addressed as shown on the attached Notice of Initial Case Management Conference and then by sealing and placing them for collection, stamping or metering with prepaid postage, and mailing on the date stated below, in the United States mail at Alameda County, California, following standard court practices.

Executed on 07/28/2008

By



digital

Deputy Clerk